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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC825 U.S. PTO
10/06/00

Applicants: Monte et al.

Serial No: Not Yet Assigned

09/680,227

For: SPREAD SPECTRUM CODE DIVISION ACCESS (SS-CDDA) FOR SATELLITE COMMUNICATION SYSTEM WITH DISTRIBUTED GATEWAYS

RECEIVED

Filed: Herewith

JAN 09 2001

Examiner: Not Yet Assigned

OFFICE OF PETITIONS

Art Unit: Not Yet Assigned

Docket No.: 900.8500USU

PETITION UNDER 37 C.F.R. 1.47(a)
FOR FILING BY OTHER THAN ALL THE INVENTORS

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
OCT 19 2000
OIPE/JCWS

Dear Sir:

Applicants, Paul Monte and Robert Wiedeman, hereby petition the Commissioner to accept the filing of the above-identified U.S. Patent Application by other than all of the inventors.

An affidavit is attached hereto providing proof of the pertinent facts concerning the unavailability of the co-inventor, Wing-po Yung.

The name and address of the unavailable co-inventor is as follows:

Wing-po Yung
231 Dixon Landing Road
No. 321
Milpitas, CA 95035

The invention was developed under the authorization of Globalstar L.P., (hereinafter "Globalstar").

Paul A. Monte, Robert A. Wiedeman, and Wing-po Yung were employed by Globalstar during the development of the invention. Robert A. Wiedeman and Wing-po Yung are no longer employed by Globalstar.

On July 19, 2000, a copy of a Declaration and Power of Attorney, Assignment, copy of the application as filed, and a cover letter were sent Mr. Wing-po Yung for review and execution, return receipt requested. The return receipt postcard for the July 19 mailing was signed by Mr. Yung and returned, indicating receipt of the mailing on July 22, 2000.

On August 21, 2000, another copy of the Declaration and Power of Attorney, Assignment, copy of the application as filed, and a cover letter were sent Mr. Wing-po Yung for review and execution, return receipt requested. The return receipt postcard for the August 21 mailing was signed by Mr. Yung and returned, indicating receipt of the mailing on August 24, 2000.

On September 22, 2000, at 1:30 pm, a telephone call was placed to Mr. Yung's last known telephone number and Mr. Yung answered. During the telephone conversation, Mr Yung acknowledged that he had received the documents and expressly stated that he did not intend to sign and return the documents.

In view of Mr. Yung's refusal to execute the papers required for filing the present application, Mr. Monte and Mr. Wiedeman believe they are entitled to make such application on behalf of Mr. Yung.

In accordance with the guidance provided by MPEP 409.03(a), included herewith is a copy of a combined Declaration and Power of Attorney, signed by Mr. Monte with the signature block of Mr. Yung left blank. The fee for this petition of \$130.00, as set forth in 37 C.F.R. 1.17(i), is also included herewith.

Respectfully submitted,

10/6/2000

Date



Harry F. Smith, Esq.

Attorney for the Applicant(s)

Reg. No. 32,493

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The PTO did not receive the following
listed item(s).

The PTO did not receive the following
listed item(s). The fee \$130.00